

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JUAN GONZALEZ MARTINEZ,

Petitioner,

vs.

MICHELLE WILHELM,

Respondent.

8:20CV372

MEMORANDUM AND ORDER

This matter is before the Court on Petitioner's Motion to Continue the Deadline for Filing an Amended Petition (the "Motion") filed on June 6, 2025. [Filing No. 72](#). In the Motion, counsel for Petitioner indicates she has a final draft of the Amended Petition completed but has been unable to meet with Petitioner to confirm that the draft Amended Petition includes all the additional arguments requested by Petitioner. Counsel, thus, requests a 30-day continuance to which counsel for Respondent has no objection.

However, before the Court ruled on Petitioner's Motion, counsel for Petitioner filed what the Court assumes is the final draft of the Amended Petition referred to in the Motion. [Filing No. 73](#). Based on counsel for Petitioner's communications with the Clerk's office, counsel filed the Amended Petition to meet the previously established June 6, 2025, deadline but still plans to meet with Petitioner to review and finalize the Amended Petition.

First, the Court takes this opportunity to advise the parties that if either Petitioner or Respondent files a motion to extend a deadline, the Court does not expect the party to file whatever pleading or brief that was due until *after* the Court has ruled on the

motion for extension. Effectively, the motion to extend suspends the previous deadline until the Court rules on the motion.

Upon consideration of counsel for Petitioner's Motion and communications with the Clerk's office,

IT IS THEREFORE ORDERED that:

1. Petitioner's Motion, [Filing No. 72](#), is granted. Counsel for Petitioner shall have until **July 9, 2025**, to either (1) notify the Court whether the Second Amended Petition at [Filing No. 73](#) will remain the operative petition or (2) file a third and final amended petition after counsel has an opportunity to meet with Petitioner and review the Second Amended Petition.

2. After counsel for Petitioner files a response to this order, the Court will set deadlines for Respondent's response and for progression of this case.

3. The Clerk of Court is directed to set a pro se case management deadline using the following text: **July 9, 2025**: check for Petitioner's notice or amended petition.

Dated this 9th day of June, 2025.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon", with a stylized flourish at the end.

Joseph F. Bataillon
Senior United States District Judge